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10/574,030	03/27/2006	Robertus Theodorus Van Schaijk	NL03 1167 US1	8030	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.	Applicant(s)	Applicant(s)	
10/574,030	VAN SCHAIJK ET AL.		
Examiner	Art Unit		
HSIN-YI HSIEH	2811		

HS	SIN-YI HSIEH	2811				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS WHICHEVER IS LONGER, FROM THE MAILING DATE - Excessors of time may be available under the provision of 37 CPH 1.198(a), after SX (10) MCNT+S from the making date of this communication. Will apply the state of the communication. For the state of the communication, which is sufficient to the state of the communication. Faller to reply within the set of exceeding period for reply with the year back and the state of th	OF THIS COMMUNICATION In no event, however, may a reply be time oply and will expire SIX (6) MONTHS from the sethe application to become ABANDONE	I. lely filed the mailing date of this or D (35 U.S.C. § 133).				
Status						
Responsive to communication(s) filed on <u>01 Septe</u> 2a) This action is FINAL . 2b) This act 3) Since this application is in condition for allowance closed in accordance with the practice under <i>Ex p</i> .	tion is non-final. except for formal matters, pro		merits is			
Disposition of Claims						
4) ⊠ Claim(s) <u>1,3-8,10,11 and 13-19</u> is/are pending in the 4a) Of the above claim(s) <u>8, 10, 11, 13, 15, and 16</u> 5) □ Claim(s) is/are allowed. 6) □ Claim(s) <u>1,3-7,14 and 17-19</u> is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or elec	sis/are withdrawn from conside	eration.				
Application Papers						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) coepte Applicant may not request that any objection to the draw Replacement drawing sheet(s) ludding the correction in the oath or declaration is objected to by the Exami	wing(s) be held in abeyance. See is required if the drawing(s) is obj	37 CFR 1.85(a). ected to. See 37 CF				
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign pric a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents ha 2. ☐ Certified copies of the priority documents ha 3. ☐ Copies of the certified copies of the priority application from the International Bureau (P· * See the attached detailed Office action for a list of the	ave been received. ave been received in Application documents have been receive CT Rule 17.2(a)).	on No Ind in this National	Stage			
Attachment(s)						
Notice of References Cited (PTO-892)	Interview Summary	(PTO-413)				

- 2) 14otice of Draftsperson's Fatent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

- Paper No(s)/Mail Dats.
- 5) Notice of Informal Patent Application 6) Other: _____.

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invention.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing
 to particularly point out and distinctly claim the subject matter which applicant regards as the
- 3. Claim 3 recites the limitation "the dielectric material having an oxygen diffusion through the material that is an order of magnitude smaller than oxygen diffusion through oxide spacers includes one or more of silicon nitride, silicon carbide or metal oxide" which is in contrary to itself. The metal oxide is one of the materials of the oxide spacers and it cannot have an oxygen diffusion through the material that is an order of magnitude smaller than oxygen diffusion through oxide spacers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- Determining the scope and contents of the prior art.
- Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 6. Claims 1, 3, 5-7 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US 5,991,204 A) in view of Fan et al. (US 2004/0065917), and further in view of Quirk et al. ("Semiconductor Manufacturing Technology", 2001, Prentice Hall, pages 456 and 459-461).
- 7. Chang teaches, regarding to claim 1, a method of manufacturing on a substrate (semiconductor substrate 100; Fig. 1a, col. 3 line 58) a 2-transistor memory cell (Flash EEPROM cell; Abstract) comprising a storage transistor (the transistor formed under 101) having a memory gate stack (the gate stack under 101) and a selecting transistor (the transistor under 107), there being a tunnel dielectric layer (floating gate oxide layer 104; Fig. 1a, col. 4 lines 2-3) between the substrate (100) and the memory gate stack (the gate stack under 101), the method comprising: forming the memory gate stack (the gate stack under 101) by providing a first conductive layer (floating gate poly 103 in Fig. 6a before the etching) on the tunnel dielectric layer (104; see Fig. 1a) and a second conductive layer (second poly; col. 8 lines 55-58) with a deposited interlayer dielectric layer (layer 102 of ONO; Fig. 1a, col. 3 lines 64-65) between the first and second conductive layers (103 and 101; see Fig. 1a), the deposited interlayer dielectric layer (102) including oxide (oxide/nitride/oxide; col. 3 lines 64-65) and being susceptible to

undesirable growth upon exposure to oxygen during subsequent oxidation steps (the interlayer dielectric layer 102 is between two polysilicon layers and is susceptible to undesirable growth if two polysilicon layers exposed to oxygen during subsequent oxidation steps), etching the second conductive layer (second poly) thus forming a control gate (101; Fig. 6a, col. 8 lines 55-58), forming spacers (control gate spacer 106; Fig. 6a, col. 8 lines 62-65) against the control gate (101) in the direction of a channel (active channel region 113; Fig. 1a, col. 3 line 62; the direction of channel is the direction from the source to drain) to be formed under the tunnel dielectric layer (104; see Fig. 1a), and thereafter using the spacers (106) as a hard mask (col. 8 lines 62-65) to etch the first conductive layer (floating gate poly 103 in Fig. 6a before the etching) thus forming the floating gate (floating gate poly 103 in Fig. 6b after the etching), removing a portion of the tunnel dielectric (104) laterally adjacent to the floating gate (103) and exposing a portion of the substrate (100) where the tunnel dielectric (104) has been removed (see Fig. 6b, col. 9 lines 1-2); and forming an access gate dielectric oxide (erase gate oxide 112; Fig. 6c, col. 9 lines 3-4) on the exposed portion of the substrate (100; see Fig. 6c), using the spacers (106) to mitigate the diffusion of oxygen to the deposited interlayer dielectric layer (102; the spacer 106 covers the interlayer dielectric layer 102 that oxygen has to diffuse across the spacer before reaching the interlayer dielectric layer, which means the diffusion of oxygen to 102 is mitigated by the extra diffusing process across the spacer), and regarding to claim 17, a method of manufacturing a two-transistor memory cell (Flash EEPROM cell; Abstract) comprising a storage transistor (the transistor formed under 101) having a memory gate stack (the gate stack under 101) and a selecting transistor (the transistor under 107), the method comprising; forming a tunnel dielectric (floating gate oxide layer 104; Fig. 1a, col. 4 lines 2-3) on a substrate

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(semiconductor substrate 100; Fig. 1a, col. 3 line 58); forming a first conductive layer (floating gate poly 103 in Fig. 6a before the etching) on the tunnel dielectric (104; see Fig. 1a); depositing an interlayer dielectric layer (layer 102 of ONO; Fig. 1a, col. 3 lines 64-65) on the first conductive layer (103), the deposited interlayer dielectric layer (102) including oxide (oxide/nitride/oxide; col. 3 lines 64-65) and being susceptible to undesirable growth upon exposure to oxygen during subsequent oxidation steps (the interlayer dielectric layer 102 is between two polysilicon layers and is susceptible to undesirable growth if two polysilicon layers exposed to oxygen during subsequent oxidation steps); forming a second conductive layer (second poly; col. 8 lines 55-58) on the interlayer dielectric layer (102; Fig. 1a); etching the second conductive layer (second poly) to form a control gate (101; Fig. 6a, col. 8 lines 55-58); forming a selecting transistor (the transistor under 107) on the substrate (100; Fig. 6c) laterally adjacent to the first conductive layer (103) and having an access gate (107) on an access gate dielectric (erase gate oxide 112; Fig. 6c, col. 9 lines 3-4); forming spacers (106) against sides of the control gate (101; Fig. 6a), one of the spacers (106) being formed between the control gate (101) and the access gate (107; see Fig. 6c); using the spacers (106) to mask underlying portions of the interlayer dielectric layer (102) and the first conductive layer (103; Fig. 6a), etching the first conductive layer (103) to form a floating gate (103; col. 8 lines 62-65); forming a floating gate sidewall dielectric (poly tunnel oxide 109; Fig. 6c, col. 9 lines 3-6) that is contiguous with the access gate dielectric (112; see Fig. 1a) and present between the floating gate (103) and the access gate (107; Fig. 1a), wherein the one of the spacers (106) being formed between the control gate (101) and the access gate (107) is thicker than the floating gate sidewall dielectric(109; see Fig. 1a); removing a portion of the tunnel dielectric (104) laterally adjacent to

the floating gate (103) and exposing a portion of the substrate (100) where the tunnel dielectric (104) has been removed (see Fig. 6b, col. 9 lines 1-2); and forming an access gate dielectric oxide (erase gate oxide 112; Fig. 6c, col. 9 lines 3-4) on the exposed portion of the substrate (100; see Fig. 6c and col. 9 lines 3-4), using the spacers (106) to mitigate the diffusion of oxygen to the deposited interlayer dielectric layer (102; the spacer 106 covers the interlayer dielectric layer 102 that oxygen has to diffuse across the spacer before reaching the interlayer dielectric layer, which means the diffusion of oxygen to 102 is mitigated by the extra diffusing process across the spacer).

Chang does not teach, regarding to claim 1, the spacers being formed from a dielectric material having an oxygen diffusion through the dielectric material that is, relative to oxide spacers, an order of magnitude smaller than oxygen diffusion through the oxide spacers, the etching of the first conductive layer being an anisotropic dry etch that is selective to the tunnel dielectric, thereby using the tunnel dielectric to protect portions of the substrate laterally adjacent to the floating gate; regarding to claim 3, the dielectric material having an oxygen diffusion through the material that is an order of magnitude smaller than oxygen diffusion through oxide spacers includes one or more of silicon nitride, silicon carbide or meal oxide, and regarding to claim 17, the spacers being formed from a dielectric material having an oxygen diffusion through the dielectric material that is, relative to oxide spacers, an order of magnitude smaller than oxygen diffusion through the oxide spacers, form a floating gate using an anisotropic dry etch that is selective to the tunnel dielectric, using the tunnel dielectric to mask portions of the substrate laterally adjacent to the floating gate.

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In the same field of nonvolatile memory, Fan et al. teach, regarding to claim 1, the spacers (dielectric spacers 57; Fig. 6B, paragraph [0051]) being formed from a dielectric material (silicon nitride; paragraph [0051]) having an oxygen diffusion through the dielectric material that is, relative to oxide spacers, an order of magnitude smaller than oxygen diffusion through the oxide spacers (silicon nitride has the oxygen diffusion an order of magnitude small than that of the oxide), and regarding to claim 3, the dielectric material (silicon nitride; paragraph [0051]) having an oxygen diffusion through the material that is an order of magnitude smaller than oxygen diffusion through oxide spacers includes one or more of silicon nitride, silicon carbide or meal oxide (silicon nitride), and regarding to claim 17, the spacers (dielectric spacers 57; Fig. 6B, paragraph [0051]) being formed from a dielectric material (silicon nitride; paragraph [0051]) having an oxygen diffusion through the dielectric material that is, relative to oxide spacers, an order of magnitude smaller than oxygen diffusion through the oxide spacers (silicon nitride has the oxygen diffusion an order of magnitude small than that of the oxide).

Fan et al. also teach that the silicon nitride is one of the materials for forming spacers on the sides of the control gate (paragraph [0051]).

In the same field of semiconductor manufacturing, Quirk et al. teach, regarding to claim

1, the etching of the first conductive layer (poly gate etch; Fig. 16.29, page 460, fourth

paragraph) being an anisotropic dry etch (page 459, bottom paragraph and page 460, 4th

paragraph) that is selective to the tunnel dielectric (i.e. gate oxide; page 460, 4th paragraph),

thereby using the tunnel dielectric (gate oxide) to protect portions of the substrate laterally

adjacent to the floating gate (avoiding any microtrenching of the gate oxide around the periphery

of the polysilicon; page 460, the bottom paragraph), and regarding to claim 17, form a floating

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gate (poly gate, which can be a floating gate; Fig. 16.29, page 460, fourth paragraph) using an anisotropic dry etch (page 459, bottom paragraph and page 460, 4th paragraph) that is selective to the tunnel dielectric (i.e. gate oxide; page 460, 4th paragraph), using the tunnel dielectric (i.e. gate oxide) to mask portions of the substrate laterally adjacent to the floating gate (avoiding any microtrenching of the gate oxide around the periphery of the polysilicon; page 460, the bottom paragraph).

Quirk et al. also teach that dry etch can provides high selectivity and low device damage (page 456, the bottom two paragraphs).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the inventions of Chang, Fan et al., and Quirk et al. using the nitride spacers as taught by Fan et al. and the dry etch during the gate formation as taught by Quirk et al., because Chang is silent about the material of the spacers on the sides of the control gate while Fan et al. teach that the silicon nitride is one of the materials for forming spacers on the sides of the control gate (paragraph [0051]), and dry etch can provides high selectivity and low device damage as taught by Quirk et al. (page 456, the bottom two paragraphs).

- 8. Regarding claim 5, Chang also teaches a method according to claim 1, further including forming a floating gate dielectric (poly tunnel oxide 109; Fig. 6c, col. 9 lines 3-6) next to the formed floating gate (103) while forming the access gate dielectric (erased gate oxide 112; Fig. 6c, col. 9 lines 3-6).
- 9. Regarding claim 6, Chang also teaches a method according to claim 1, furthermore comprising removing part of the interlayer dielectric layer (102) after forming the control gate (this can be shown in Fig. 6a and Fig. 6b, where 102 is left only under the control gate 101) but

before forming the spacers (this can be shown in Fig. 6a and Fig. 6b, where 102 is left only under the control gate 101 and is enclosed by the spacer 106).

- 10. Regarding claim 7, Chang also teaches a method according to claim 1 wherein, forming an access gate (107) includes forming the access gate while the spacer (106) at the access gate (107) side is still present (see Fig. 6c).
- 11. Regarding claim 18, Chang also teaches the method of claim 17, further comprising forming a cap layer (oxide cap 601; Fig. 6b, col. 8, lines 62-63) on the second conductive layer (101), wherein forming spacers (106) includes forming the one spacer (106), which is formed between the control gate (101) and the access gate (107; see Fig. 6c), between the cap layer (601) and the access gate (107) and in contact with the cap layer (601), the control gate (101), the access gate (107) and the floating gate (103; see Fig. 6c).
- 12. Regarding claim 19, Chang also teaches the method of claim 17, further comprising forming a cap layer (oxide cap 601; Fig. 6b, col. 8, lines 62-63) on the second conductive layer (101), wherein forming spacers includes forming the one spacer (the left 106), which is formed between the control gate (101) and the access gate (107; see Fig. 1a), between the cap layer (601) and the access gate (107) and in contact with the cap layer (601), the control gate (101), the access gate (107) and the floating gate (103; see Fig. 6c), further including forming another floating gate sidewall dielectric (109 at the right hand side of 103 in Fig. 6c) located on a sidewall (right sidewall) of the floating gate (103) opposite from the floating gate sidewall dielectric (109 at the left hand side of 103 in Fig. 6c), and further including forming offset spacers (106), one of the offset spacers (106 at the left hand side of 101 in Fig. 6c) being in contact with the access gate (107; see Fig. 6c), and another one of the offset spacers (106 at the

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right hand side of 101 in Fig. 6c) being in contact with the other floating gate sidewall dielectric (109 at the right hand side of 103 in Fig. 6c) and in contact with another one of the spacers (106 at the right hand side of 101 in Fig. 6c) that is located on a side (right side) of the control gate (101) opposite from the one spacer (106 at the left hand side of 101; see Fig. 6c).

13. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, Fan et al., and Quirk et al. as applied to claim 1 above, and further in view of Hong et al. (US 5.614.746 A).

Chang teaches, regarding to **claim 4**, before forming the memory gate stack, applying the tunnel dielectric layer (104) on the substrate (100; this is shown in Fig. 6a), and after formation of the memory gate stack (see Fig. 6b), removing the tunnel dielectric layer (104) by a selective etching technique (stripping, col. 9 lines 1-2) at least at a location where the selecting transistor is to be formed (all the exposed area including the selecting transistor region; col. 9 lines 1-2), and regarding **claim 14**, removing a portion of the tunnel dielectric (104; see Fig. 6b, col. 9 lines 1-9) includes removing a portion of the tunnel dielectric laterally adjacent to the floating gate (103) and expose a portion of the substrate surface (100) (see Fig. 6b, col. 9 lines 1-9), and further including forming an access gate (erase gate 107; Fig. 6c, col. 4 line 7) of the selecting transistor (the transistor under 107) on the access gate dielectric (erase gate oxide 112; Fig. 6c, col. 9 lines 1-9).

Chang, Fan et al., and Quirk et al. do not teach, regarding to claim 4, the selective etching technique preferentially etching the tunnel dielectric layer compared to the substrate, and regarding to claim 14, wet etching the tunnel dielectric to remove a portion of the tunnel

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dielectric and expose a portion of the substrate surface where the tunnel dielectric has been wet etched. leaving the exposed surface of the substrate intact.

In the same field of nonvolatile memory, Hong et al. teach, regarding to claim 4, the selective etching technique (wet etching; Fig. 3E, col. 6 lines 58-61) preferentially etching the tunnel dielectric layer (tunnel oxide layer 22; Fig. 3E, col. 6 lines 58-61) compared to the substrate (top surface of P-substrate 21; Fig. 3E, col. 6 lines 65-66), and regarding to claim 14, wet etching the tunnel dielectric (tunnel oxide layer 22; Fig. 3E, col. 6 lines 58-61) to remove a portion (exposed portion) of the tunnel dielectric (22) and expose a portion of the substrate surface (top surface of P-substrate 21; Fig. 3E, col. 6 lines 65-66) where the tunnel dielectric (22) has been wet etched (see Fig. 3E), leaving the exposed surface of the substrate intact (see Fig. 3E).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the inventions of Chang, Fan et al., Quirk et al. and Hong et al. to use the wet etch to remove the tunnel oxide because Chang, Fan et al., and Quirk et al. is silent of how to remove the tunnel oxide and Hong et al. provide a method of wet etch to remove the tunnel oxide.

Response to Arguments

14. On page 9 of Applicant's Response, regarding to the rejection to claim 3 under 35.
U.S.C. 112, second paragraph, Applicant argues that the limitations of claim 3 are not contrary to itself. The argument was based on that, firstly, the claim language does not limit the oxide layer to only metal oxide as the layer, and secondly, the same material (e.g. a metal oxide) may be

used for both the dielectric and the oxide spacers, but the materials may be formed or constructed differently such that the dielectric and oxide spacers have different diffusion properties.

- 15. The Examiner respectfully disagrees with Applicant's argument, because the rejected limitation of claim 3 is contrary to itself. Firstly, the rejected limitations are related to material properties between "the dielectric material" and "oxide spacers", and are unrelated to the layer structure of the "oxide layer" implied by Applicant. Secondly, the claimed limitation of "oxide spacers" is a broad term that the material of the oxide spacers can include all the oxide materials including the metal oxide. It would be obvious to one skill in the art to know the rejection limitation excludes the dielectric material from all the oxide materials including the metal oxide.
- Applicant's arguments filed 09/01/2011 have been fully considered but they are not persuasive.
- 17. On pages 9-10 of Applicant's Response, Applicant argues that '204 reference does not teach the plurality of spacers required by the claim language.
- 18. The Examiner respectfully disagrees with Applicant's argument, because '204 reference does teach the plurality of spacers, i.e. two control gate spacers 106, against the control gate 101 in Fig. 6a.
- On page 10 of Applicant's Response, Applicant argues that the '917 reference does not discuss the dielectric spacers having diffusion properties relative to oxide spacers.
- 20. The Examiner respectfully disagrees with Applicant's argument, because the '917 reference teaches that the silicon nitride is one of the materials for forming spacers on the sides of the control gate (paragraph [0051]) and the silicon nitride has the diffusion properties relative to oxide spacers as claimed.

21. On page 11 of Applicant's Response, Applicant argues that the rejections presented in the Office Action appear to attempt to combine the spacers of the secondary '917 reference with the gate stack of the flash EEPROM device of the primary '204 reference without regards to overall teachings of either the primary '204 reference or the secondary '917 reference.

- 22. The Examiner respectfully disagrees with Applicant's argument, because the Examiner considered the overall teachings of either the primary '204 reference or the secondary '917 reference. Both references are teaching flash memories with spacers against the control gate. The '204 reference is silent about the materials of the spacers, while the '917 reference teaches that the silicon nitride is one of the materials for forming the spacers (paragraph [0051]). It would have been obvious to one of ordinary skill in the art to use the silicon nitride as the material of the spacers.
- 23. On page 11-12 of Applicant's Response, Applicant argues that the Office Action has failed to establish motivation to combine the dry etch of the Quirk reference with the '204 reference.
- 24. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Quirk et al. provides the motivation that dry etch can provides high

selectivity and low device damage (page 456, the bottom two paragraphs) which is a solid motivation to combine the references

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HSIN-YI HSIEH whose telephone number is (571)270-3043.

The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynne A. Gurley can be reached on 571-272-1670. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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/LYNNE GURLEY/

Supervisory Patent Examiner, Art Unit 2811

/H. H./

Examiner, Art Unit 2811 11/8/2011